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International Court of Justice

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Document SAUCKEL No. 99

Copy

Excerpt from

"The Foreign-Born Laborer in Germany"

Volume I

(Publishers for Literature on Economic Affairs Otto K.Krausskopf, Berlin)

Page 179

36a.

Transportation home of foreign-born laborers who are ill and in need of attention; here DRK (German Red Cross) male or female assistants to serve as attendants accompanying them.

Decree of GB.-A. of 23 June 1943 - VI 5511/269

In the explanatory remarks II B 2 of circular decree 1182/20 it is directed that personnel to accompany transports taking home foreign-born workers who are ill and in need of attention is to be recruited from the staff of the respective office or from the German Red Cross assistants - depending upon the type of illness. In principle the Executive Board of the German Red Cross declared its willingness to furnish all the personnel needed to accompany transports of foreign-born laborers back to their homes; because of illness or in need of treatment, to the extent that this involves the transportation back of individual patients or smaller groups.
Recruiting of Red Cross male or female nurses' assistants will proceed according to the procedure laid down by circular directive ARG 1105/40 and supplementary circular directives ARG 264/42, properly modified. To make sure that the German Red Cross personnel will be promptly available Labor Offices should put in their request with the competent German Red Cross Provincial Office at least 48 hours before the hour scheduled for departure of the transport (refer to enclosure to circular directive ARG 1105/40).

In all other respects the procedure provided with circular directives ARG 150/42 and 648/42 and circular directives ARG 1021/42, 1143/42, and 417/43,

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for Poles from General Government) will remain in effect. Only in the case of Frenchmen taken home into the territory under the Military Commander in France, because they are sick or in need of attention, can application, in advance for transfer of the patients be eliminated because they will

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be accompenied by German Red Cross assistants as far as Paris where they will be turned over to the local German Red Cross Unit. Transport from there on will be cared for by the local German Red Cross Unit in Paris in conjunction with the French Red Cross.

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This is to certify that the above extract is word for word a copy of the original referred to above.

(signed) Dr. Servatius

Attorney-at-Law

Nuernberg, 15 May 1946

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Document SAUCKEL No. 100

Copy.

Excerpt from:

"Reichsarbeitsblatt 1943"

No. 5, part III, page 35

The Deputy for the Four Year Plan — Berlin, 4 January 1943

The General Potentiary

for the Commitment of Labor

IIIa 8/43

Eastern workers: here: Investigation of sanitary measures.

In order to eliminate the questions of doubt which frequently have been submitted to me, I refer to the fact that the competence of the chamber of trade offices for the supervision of community camps is not affected by the establishment of the labor commitment administration ordered by me for a special reason. The chamber of trade offices including the medical officials are to handle just as before the supervision concerning the technical and hygienic protective measures in the community camps within the scope of the decree of Reich Labor Minister of 19 September 1941 (Reichsarbeitsblatt, page III 396) as well as the other decrees. The deficiencies determined by them or other offices, which are not simply eliminated, are to be abolished in given cases by means of coercion at the disposal of the chamber of trade offices.

By order

s/ HEITZEL

I verify that the above excerpt represents a word true copy of the above mentioned original.

Nuernberg, 15 May 1946

s/ Dr. SERVATIUS

Attorney-at-Law

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Document SAUCKEL No.101

C o p y .

Excerpt from

"The Foreign Worker in Germany"

Volume 2

(Publication for Writings on Economics Otto K.KRAUSKOPF, Berlin)

E. Prisoners of War / I. General (Page 912)

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2 4a

Memorandum for French prisoners of war on leave

(Facility Statute)

Edition May 43 - VIa 5135.

The transfer of French prisoners of war to civil labor conditions in Germany is made with the consent of the French government by granting leave from war captivity. It must be expected from them that they submit themselves to the usual labor discipline as obtains in Germany. The workers on leave take part in spiritual and cultural activities which are designed for their rest and relaxation after completion of work.

I. Wages and conditions of work.

The workers on leave receive similar wages as comparable German workers. They are put on the same footing with respect to other working conditions as German workers insofar as there are no special regulations for foreign workers.

Married workers, as well as widowed, divorced and single ones, who are obliged by law to contribute for the maintenance of their dependants, have to obtain appropriate certificates from their home from which their family condition and legal alimony can be ascertained.

This certificate is required by the German works manager for calculating tax deductions, etc. Until the worker brings this certificate, he cannot obtain the privileges to which he is

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entitled on behalf of his family status

II. Family allowance.

. . . . . .

III. Money for overnight accomodation.

. . . . . .

IV. Army pay for French Officers on leave.

. . . . . .

V. Working time.

. . . . . .

VI. Overtime, Sunday- and Holiday work.

. . . . . .

VII. Social Insurance.

. . . . . .

VIII. Tax (Tax on wages).

. . . . . .

IX. Working Clothes.

The workers on leave wear civilian clothing which they must send from home including incidental working clothes and underwear in the quickest way possible. An assistance for equipment to the extent of RM 50.— can be granted. For those who have no possibility of sending clothing from home, the French Government will place same at their disposal.

The equipment (uniform etc.) have to be given to the prisoners of war camp. The workers on leave have to wear a badge with French national colors which is placed at their disposal by the French Government.

X. Billets and feeding.

. . . . . .

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XI. Transfer of wages.

. . . . . .

XII. Home leave.

For prisoners of war who are transferred into civilian work conditions on "Relief Statute" a home leave is provided within the existing possibilities.

XIII. Police report for duty, pass, identification, note of entry, leave order, etc.

. . . . . .

XIV.

The transfer into the "Relief Statute" does not exclude conscription into reconstruction action.

I certify that the above excerpt is a true copy of the afore mentioned original.

Nuernberg, 15 May 1946.

s/Dr.SERVATIUS

Attorney-at-Law.

Document SAUCKEL No. 102

From: Reich Legal Gazette 1938 No.170

dated 18 October 1938, Part I, Page 1441

Third Ordinance for the provision of labor for tasks of particular national political importance (Emergency ordinance) dated 15 October 1938.

By virtue of the ordinance for the execution of the Four-Year Plan of 18 October 1936 (Reich Legal Gazette I, p. 887) I decided the following:

Par. I

(1) For public embergency measures and preparation for such measures, residents of the Reich territory can be called upon to perform emergency duties for a limited time.

(2) Emergency services are required by the authorities (p r.2) for the fulfilment of sovereign duties. They can consist of either active or passive service or omission.

(3) In every case, service performed in virtue of military law, in the national labor service, in the frontier customs guard, the police, the SS reserve troops, the SS Death's Head units as well as in the air raid warning service and air raid security and relief services has priority over emergency service.

(4) Alien nationals are not liable to emergency service where dispensation in their favor is stipulated by international treaties or acknowledged rules of international law.

(5) Any person liable to emergency service has the obligation and right to devote objects in his possession or custody to the performance of service when a person authorized for such performance so demands.

Par. 2

The Commissioner for the Four-Year Plan designates, in agreement with the Reich Minister of the Interior, those authorities which can require the performance of emergency service.

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Par. 3

(1) Emergency service can be required either for a long duration (long term emergency service) or for a short duration (short term emergency service).

(2) Long term emergency service is the case whenever the work is mainly professional and has a duration of more than three days or is assigned for a duration of over three days. In all other cases short term emergency service is involved and does not establish a labor contract.

(3) Obligation to work for the emergency service can only be abrogated by the authority which summoned the person liable to emergency service.

Par. 4

(1) Whoever is to be called upon to perform long term emergency service must be specifically reported to the Labor Office by the summoning authority (Par. 2). The Labor Office can oppose the summons in virtue of the general labor assignment system. So long as such opposition prevails the obligation to emergency service is precluded. Report to the Labor Office is not compulsory for:

a) Civil servants (including those retired or on half-pay)

b) Administrative employees and personnel

c) High official political leaders of the NSDAP and high officials of NSDAP organizations

d) Employees and workers, professionally at the service of the NSDAP and its organizations,

e) Persons professionally occupied in the sanitary departments

f) Lawyers.

(2) Persons liable to emergency service who are engaged in public service (including communal concerns with an individual national demomination), professionally occupied in the NSDAP and its organizations or professionally engaged in sanitary work, as well as lawyers can only be assigned to long term emergency service with the approval of the controlling or supervising offices.

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Par. 5

(1) Persons liable to emergency service who are in employment at the time the emergency service begins are to be granted leave for the duration of the emergency service.

(2) In the case of short term emergency service, the person liable to emergency service is entitled to regular remuneration and other indemnification not exceeding 3 days spent away from his regular employment.

(3) For civil servants engaged in emergency service the prescriptions of the civil service legislation are applicable.

Par. 6

Measures and decisions taken in virtue of this ordinance cannot be opposed save by a complaint. This is to be addressed to the Authority placed above the summoning authority (Par. 2). The decision concerning the complaint, which has to be filed within two weeks and has no delaying effect, is final.

Par. 7

(1) The Reich Minister of the Interior issues the necessary legal and administrative presriptions for the execution and supplementing of this ordinance with particular regard to the relief and maintenance measures.

(2) The Reich Minister of Labor issues the legal social insurance prescriptions.

Par. 8

This ordinance is effective as of 1 September 1938.

Berlin, 15 October 1938

The Commissioner for the Four-Year-Plan
GOERING, Field-Marshal

The exactitude of this copy from the Reich Legal Gazette is certified hereby.

Nuernberg, 29 June 1946

Signed Dr. R. SERVATIUS
Attorney-at-Law.

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Document SAUCKEL No. 103

From the

Reich Law Gazette 1939.

Part I, 1.Half year, Page 206.

Decree for the securing of the requirement of labor for tasks of particular political importance to the State.

Dated 13 February 1939.

The realization of urgent tasks of particularly political importance to the state, should not be endangered by lack of manpower. For the purpose of the execution of such tasks there must be the possibility of committing inhabitants of the Reich territory to work and of strengthening the ties to the place of work.

On the basis of the decree dealing with the realization of the Four Year Plan of 18 October 1936 (Reich law gazette I page 887) I therefore determine as follows:

Article I

Conscription.

Paragraph 1 (1) For tasks, which the Plenipotentiary for the Four Year Plan designates as particularly important and urgent, inhabitants of the Reich territory can be committed to work by the Labor office. Private and public enterprises and administrations be forced by the Labor exchange to transfer workers for this purpose.

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(2) Foreign nationals are not to be committed to work insofar as they are exempted on the basis of agreements between the respective governments or of recognized regulations of international law.

Paragraph 2 (1) Persons conscripted for work, who are working under contract are considered as being on leave in cases of a temporarly limited commitment. For the duration of the leave the original contract must not be cancelled. The person conscripted for work has, for the duration of the leave, no right to claim any compensation or other payments deriving from his original employment. The period of the working commitment based on this decree is moreover not considered as working time in the former working place.

2) In the event of conscription for work for an unlimited period the original contract expires.

3) The tariff - production or service - regulation valid at the new place of work are competent for the employment of the person conscripted for work.

4) Should a person conscripted for an unlimited period for feit claims deriving from his original employment, which are not made up by the claims deriving from the conscription for work, the new enterprise can be forced to indemmify the person conscripted for work in order to avoid particular hardship.

5) The employment-contract may only be cancelled with the agreement of the Labor-office.

Paragraph 3. For the purpose of preparation for the new employment the person conscripted for work can be committed for a training.

Paragraph 4. The person conscripted for work has upon request, to submit, all necessary documents to the labor office as well as to furnish all necessary information. The labor office can also demand a personal interview.

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2) It is the duty and right of a person conscripted for work to make use in his employment of the goods in his possession or safe keeping upon demand of the labor-office.

Paragraph 5 (1) A person who on the basis of this decree is conscripted for work or training lasting more then 3 days, and on account of it is forced to live seperated from his family, can obtain material assistance from the Labor-office upon his request, in order to secure the adequate necessities of life for his dependants.

(2) Material assistance can also be given independently of the prerequisites of the 1st part, if it is necessary for the safeguarding of the economic situation.

Paragraph 6. This assistance is not given by the public welfare and is not remuneration for work, it is not to be made good and not distrainable.

Section II

Restrictions re the changing of the place of work.

Paragraph 7. (1) In cases of special political reasons of state the Reich Minister can - in other cases besides those mentioned in Paragraph 2, part 5 - make the cancellation of working contracts dependent on the consent of the laboroffice.

(2) He can likewise decree that the recruitment and employment of workers and employees should be subject to the consent of the Labor office.

Section III

Final Regulations.

Paragraph 8. All public and private enterprises and administrations are obliged to comply with the demads of the labor offices addressed to them in exemtion of this regulations.

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These demands can apply equally to an individual case and can likewise be extended to questions in general.

Paragraph 9. The Reich minister of Labor issues the regulations necessary for the execution and complation of this decree. He can also take all measures within the domain of the labor code, labor protection and Reich insurance which are necessary for the purpose of the execution of this decree.

Paragraph 10. This regulation comes into effect on the day of its promulgation. At the same the following decrees are annulled:

The decree concerning the securing of the workers necessary for the tasks of special political importance for the State, dated 22 June 1938 (Reich Legal gazette I, page 652),

the second decree concerning the securing of the workers necessary for tasks of special political importance for the state, dated 30 June 1938 (Reich Legal gazette I, page 710)

Berlin, 13 February 1939

The Plenipotentiary for the Four Year Plan

GOERING

General Fieldmarshall

- - - - - -

The true copy from the Reich Legal Gazette is herewith certified.

Nuernberg, 26 June 1946.

signed Dr. R. Servatius

Attorney-at-Law.

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Document SAUCKEL No. 108

Cajetan Count Spreti, No. 361.400
c/o 8th Civilian Internment-Camp
B.A.O.R. via Bonn

17 May 1946.

To the

Defence Counsel for Mr. SAUCKEL
at the International Military Tribunal

N u e r n b e r g .

Statement in lieu of oath.

I, Cajetan Count von Spreti, born 8 February 1905 in Munich, residing at Moosburg/Isar, Muenchnerstrasse 35/I, at present at 8th Civilian Internment Camp B.A.O.R. via Bonn, No. 361.400,

Profession: Government bouncilor (Regierungsrat)

make the following statement in lieu of oath:

During the period from 1 January 1941 to June 1944 I was, with interruptions, ordered to Russia for the recruiting of workers. Soon after the beginning of my activity the consequences of the directives issued by former Reichsfuehrer SS and Chief of the German Police HIMMLER as to the treatment of the Russians made themselves very disagreeably felt:

1. Internment behind barbed wire
2. Introduction of the Eastern worker's contribution
3. Issuing of smaller food rations than to all other foreign workers.

All the steps taken against this remaind unsuccessful.

It was only after the appointment of Herr Sauckel as Plenipotentiary for Labor Employment that any fundamental changes were made here.

Mr. Sauckel, against the directives of the Reichsfuehrer SS, brought about the removal of the barbed wire surrounding the common billets of the Russian workmen.

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increased the food rations to the same level as that of the other foreigners and finally brought about the suppression of the Eastern Workers' contribution. Thus the Eastern workers employed the same conditions as all the other nations represented by workers in Germany. After thise measures went into effect it turned out that the efficiency of the Eastern workers was increased and also that their letters home contained favourable comments on the living conditions there. It was also Mr. Sauckel, who, contrary to the Reichsfuehrer's directive, succeeded in arranging that female Eastern work could give birth to their children in specially equipped institutions, which brought up the children. In this connection I refer to the many places in the country where the children of Eastern workers or Polish women were boarded out which the mothers worked in agricultural establishments.

It was often difficult for the labor offices to prevail against the welfare offices to obtain the necessary places, as these were often scarce for German children. Abortions were only carried out in agreement with the mothers. Furthermore by order of Mr. Sauckel barrack hospitals were erected everywhere for foreign workers.

Should it be true, as mentioned in the press that children were used for experiments or even killed, these happenings certainly occussev wi without Mr. Sauckel's knowledge. Mr. Sauckel also regularly issued directives to the labor offices, the German Labor Front and also to the works managers to the effect that the foreign workers were to be treated decently.

In the same way the Labor Employment staffs were regularly instructed

to carry out the recruiting in a decent manner, and to provide maintenance, heating, also to see that a sufficient supply of straw for the transportation trains was on hand.

Bases must also be mentioned, where members of the Labor Employment Staffs were called to account for crimes against the population and, as in the case of Regierungs Oberinspektor Heinritz, in Minsk, were sentenced to death. In this case a plea for mercy was rejected by Mr. Sauckel himself.

I am fully aware of the significance of a statement in lieu of oath.

(signed) Cajetan Count von Spreti

Milag Camp-Westertimke
German Camp Managemen

The above signature has been affixed before me after production of proofs of identity and is hereby certified by me

(signed) illegible signature
Camp manager

The correct transcription from the original is hereby certified

Nuernberg, 23 June 1946 (signed) Dr. R. Servatius
Attorney-at-Law

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Complete index containing the titles of the circular decrees concerning foreign workers, from the years 1942-1945 (Missing from August 1943 - December 1943), digested from:

The official collection of circular decrees

of the Reich Ministry of Labor for the administration of the commitment of labor, the Reich trusteeship, and trade supervision.

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This is to certify that this excerpt has been copied in its original order with directives from "Circular decrees for the administration of labor allocation, the Reich Trustees, and trade supervision.

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Document SAUCKEL No. 110

From:

Reich Legal Gazette 1939

No 154, of 31 August 1939, Part I, Page 1539

Fuehrer decree of 30 August 1939 on the setting up of a Council of Ministers for the defense of the Reich.

I decree for the time of the present tension in foreign politics for the coherent conduct of administration and economy the following:

I.

(1) From the Reich Defense Council is to be set up as permanent committee a

Council of Ministers for the Reich Defense.

(2) To the Council of Ministers for the Reich Defense belong as permanent members

Fieldmarshal Goering as Chairman,

the Deputy of the Fuehrer,

the Plenipotentiary General for the Reich Administration,

the Plenipotentiary General for Economy,

the Reich Minister and Chief of the Reich Chancellery,

the Chief of the High Command of the Wehrmacht.

(3) The Chairman may also draw other members of the Reich Defense Council as well as further personalities into the discussions.

II.

The Council of Ministers for the Reich Defense can issue decrees with legal power, if I do not order the discharge at a law by the Reich Government as the Reichtag.

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III.

The authorities of Fieldmarshal Goering from the decree for the carrying out of the Four Years Plan of 18 October 1936 (Reich Legal Gazette I page 887), especially his right, to issue directions, remain in force.

IV.

The Reich Minister and Chief of the Reich Chancellery carries out the transactions of the Council of Ministers for the Reich Defense.

V.

I decide the time of the termination of the decree.

Berlin, 30 August 1939

The Fuehrer

Adolf Hitler

Goering

Fieldmarshal

The Reich Minister and Chief of the

Reich Chancellery

Dr. Lammers.

I herewith certify the orderly copy from the above mentioned Reich Legal Gazette.

Nuernberg, 26 June 1946

signed Dr. R. Servatius

Attorney-at-Law.

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Document SAUCKEL No. III

From:

Reich Law Gazette (Reichsgesetzblatt) 1939

Part I, No. 158, of 2 September 1939, page 1565

Decree on the Appointment of Reich Defense Commissioners of 1 September 1939

The Council of Ministers for the Defense of the Reich lawfully decrees:

Article 1

(1) To assure uniform direction of the civilian defense of the Reich, a Reich Defense Commissioner will be appointed for each Military Administrative District. The seat of the Reich Defense Commissioner will be where the Military Administrative District is situated.

(2) No assistants will be made available directly to the Reich Defense Commissioners. They have to carry on their functions exclusively with the aid of the official set-up of the following offices:

The Military Administrative District I
the Oberpraesidium of the Province of East Prussia, in Koenigsberg-Pr.

In Military Administrative District II
the Oberpraesidium of the Province of Pomeria, ~~in St~~ in Stettin

In Military Administrative District III
the Oberpraesidium of the Mark Brandeburg, in Berlin

In Military Administrative District IV
the Reich Regent for Saxony - Provincial Government - Ministry of the Interior, in Dresden

In Military Administrative District V
the Waerttemberg Ministry of the Interior, in Stuttgart

In Military Administrative District VI
the Oberpraesidium of the Province of Westphalia, in Muenster

In Military Administrative District VII
the Bavarian State Ministry for the Interior, in Munich

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In Military Administrative District VIII
the Oberpraesidium of the Province Silesia, in Breslau

In the Military Administrative District IX
the Oberpraesidium of the Province Hesse-Nassau, in Cassel

In Military Administrative District X
the Offices of the Reich Regent (State Administration), in Hamburg

In Military Administrative District XI
the Oberpraesidium of the Province Hannover in Hannover

In Military Administrative District XII-the government in Wiesbaden

In Military Administrative District XIII-the government in Ansbach

In Military Administrative District XVII
the Office of the Reich Commissioner for Reunion of Austria
with the German Reich (State Administration of the Reich Gau Vienna)

In Military Administrative District XVIII
the Office of the Landeshauptmann in Salzburg.

Article 2 (1) On the Reich Defense Commissioners is incumbent the direction of the administration of all matters pertaining to civilian administration within the scope of the Military Administrative District. Exempted are the Reichspost (Reich Postal Service), the Reich State Railway as well as the Reich Finance Administration in regards administration of funds, matters relating to the application of the Reich Taxation Regulation, and the Tax Modification Law as well as increased boundary surveillance service.

(2) The Reich Defense Commissioners are in the Military Administrative District organs of the Ministerial Council for the Defense of the Reich. They have to carry out orders of the General Plenipotentiary for the Reich Administration and for Economic Affairs as well as of the highest Reich Authorities within their scope of activity, and they are under the service supervision of the Reich Minister for the Interior. In carrying through Reich defense measures of fundamental importance, the highest Reich Authorities are to avail themselves of the services of the Commissioners and to keep them currently informed on other Reich Defense measures.

(3) It is incumbent upon the Reich Defense Commissioners to coordinate in closest cooperation with the competent Wehrmacht offices

... Military District

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the measures of the civilian defense with the requirements of the Wehrmacht. Within the scope of the jurisdiction of the Highest Reich Authorities and in accordance with directions given them they can give instructions for the region of the Military Administrative District to all civilian offices coming within the scopeeof their field of activity which are not Highest Reich Authorities or Highest Prussian Provincial Offices.

(4) Reports to the Highest Reich and Prussian Provincial Authorities covering Reich defense affairs of fundamental importance are to be directed by the civilian offices through the office of the Reich Defense Commissioners. In all other respects Reich Defense Commissioners are to be informed of other Reich defense measures. The Commanders of Military Administrative Districts direct suggestions and requests of a general nature to civilian authorities in the Military Administrative District through the office of the Reich Defense Commissioners.

Article 3.

The Reich Defense Commissioner is represented through the head of the authorities mentioned in Article 1, section 2, unless he be the head himself.

Article 4.

Organizational arrangements made in the theatre of operations on the basis of executive powers will not be affected.

Article 5.

The General Plenipotentiary for the Reich Administration provides the individual instructions necessary for enactment of this Decree in cooperation with the General Plenipotentiary for Economic Affairs and the High Command of the Wehrmacht.

Berlin, 1 September 1939.

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Document SAUCKEL No. III

The Chairman of the Council of Ministers for the Defense of the Reich

GOERING

Generalfieldmarshal

The General Plenipotentiary for the Reich Administration

FRICK

The Reich Minister and Chief of the Reich Chancellery

Dr. LAMMERS

This is to certify that this is a correct copy of the RGBl (Reich Law Gazette) above referred to.

Nuernberg, 26 June 1946

s/ Dr. R. SERVATIUS
Attorney-at-Law

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Document SAUCKEL No. 112

From:

Reich Legal Gazette 1939,

No. 190 of 27 September 1939, Part I, Page 1937

Decree of the Ministerial Council for the Defense of the Reich for the enactment of the decree (of 1 September 1939, Reich Legal Gazette I, Page 1565) concerning the appointment of Reich Defense Commissioners of 22 September 1939.

I.

(1) In the area of each Reich Defense Commissioner a defence committee will be set up. The Defence Committee has the duty of advising the Reich Defense Commissar and of supporting him in the unified direction of the civilian Reich Defence in the military administrative district.

(2) To the Defence Committee belong:

a) in virtue of authority: The Reich Regents (in Austria the Landeshauptmennner), the Gauleiter, the Administrative Heads, the Minister Presidents and Provincial Ministers, the superior SS and Police Chiefs, the Presidents of Administrative Districts, the Presidents of the Provincial Labour offices and the Reich Trustees of Labour, whose districts are lying completely or partly in the military administrative district;

b) in virtue of appointment: German men, who are appointed by the Chairman of the Ministerial Council for the Defence of the Reich.
The Reich Commissioner for Defence can also invite other personalities to attend the conferences.

(3)The Defense Defence Committee will be summoned by the Reich Defence Commissioner and meets under his Chairmanship

II

(1) The Reich Defence Commissioner is responsible for the unified direction of the civil defence of the Reich within his area.

(2) The Chairman of the Ministerial Council for the Defence of the Reich can on mutual suggestion of the Deputy of the Fuehrer and Plenipotentiary General for the Reich Administration appoint trustees for certain military administrative districts, who have to carry out the instructions of the Reich Defense Commissioner.

(3) The Trustees are agencies of the Ministerial Council for the Defence of the Reich subordinate to the Reich Defence Commissioners, and must follow the directions of the Chairman of the Ministerial Council for the Defence of the Reich, of the Fuehrer's Deputy, of the General Plenepotentiary for the Administration of the Reich and for Economy, and the Supreme Reich authorities for their business administration.

(4) The Trustees only carry out personally the duties transferred to them by the Reich Defence Commissioner. A transfer to another person or authority is out of the question.

III

Neither the appointment of the Reich Defencé Commissioner nor of the Trustee of the Reich Defence Commissioners must lead to the establishment of new offices. Moreover, no civil servants will be immedrately assigned to the Trustee of the Reich Defence Commissioner nor to the Reich Defense Commissioner. The

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Trustees must carry out their duties exclusively with the assistance of the official organization of the offices decided upon by the General Plenipotentiary for the Reich Administration.

IV.

Immediate commercial intercourse between the Supreme Reich authorities and the Trustees of the Reich Defence Commissioners does not take place on principle. Commercial intercourse takes place via the competent Reich Defence Commissioner.

V.

The organizational regulations laid down in the operational area on the basis of the executive power will not be affected by the appointment of the Trustee ~~of the~~ of the Reich Defence Commissioner.

Berlin, 22 September 1939

The Chairman of the Ministerial Council for the Defence of the Reich

GOERING
Fieldmarshal

The Deputy of the Fuehrer

R. HESS

The General Plenipotentiary for the Reich Administration

FRICK

The General Plenipotentiary for Economy

Walther FUNK

The Chief of the High Command of the Wehrmacht

KEITEL

The Reich Minister and Chief of the Reich Chancellery

Dr. LAMMERS

I herewith certify that this is an exact copy from the above mentioned Reich Legal Gazette.
Nuernberg, 26 June 1946

signed Dr. R. SERVATIUS
Attorney-at-Law

Document SAUCKEL No. 117

Declaration in lieu of Oath

After being informed that the following declaration in lieu of oath is intended for submission to the International Military Tribunal of Nuernberg, and after being advised that a deliberately false declaration in lieu of oath involves penal consequences, I hereby make the gollowing statement in lieu of oath involves penal consequences, I hereby make the following statement in lieu of oath:

Personal

My name is HEINRICH WALKENHORST, born on 14 Aug. 1906 at Osnabrueck, domiciled in Oldenburg, a commercial employee by profession. I belonged to the NSDAP since the 1 Dec. 1930, was active as District office director from June 1933 to July 1934, as chief of district and them as Gau Main office director until the 1 Oct. 1942. Lastly I was Reich Headmaster chief and chief and chief of the Personnel office at the Party Chancery until the end of March 1945 with permanent residence in Munich, until the 21 April 1945 stationed in Berlin, from 22 April 1945 stationed at Plochn, from 3 May 1945 stationed at Flensburg, automatically arrested at Oldenburg on the 29 May 1945 after voluntarily reporting to the Military Government at Oldenburg.

Concerning the Matter

Whereas I was chiefly engaged in work learning on personnel matters in Munich, in Berlin I had chiefly to perform telephone stand-by service. I learned here in Nuernberg for the first time the contents of the indictment against former gauleiter Sauckel. A few days before the occupation of Weimar by the Allied troops - I cannot remember the exact date - I intercepted a telephone all by Gauleiter SAUCKEL speaking, from Weimar.

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Document SAUCKEL No. 117

Gauleiter SAUCKEL siad he had attempted in vain to obtain a decision from the comeptent offices of the Reich Security Headquarters as to what was to be done about the concentration camp of Buchenwald, located near Weimar, in the event of the imminent capture of Weimar by the Allied troops. He also vainly attempted to contact the Reichfuehrer SS personally. He made this call to entreat the Reichsleiter BORMANN to make efforts of his own to obtain a decision. Unfortunately, he apparently could not contact. BORMANN and was connected with me instead, that is, with the Telephone stand-by service.

Although, said SAUCKEL, he was not competent for the camp, he felt bound, in the interest of the population of Weimar, to prepare for an orderly process of surrender of the Camp when the Allied troops marched in, in order to prevent chaos. The Gauleiter then siid to me in an excited voice, that it was most irritating because the competent offices had taken no decision as to the settlement of this question, so that he felt bound to order on his own authority the surrender of the Camp, closed and including the guard platoons, to the Allies when they marched in.

I thereupon said that I was neither competent nor entitled to take a decision in the matter, but that as matters stood I could only advise him to act according to his intentions. I said the arrangement he suggested also seemed the best to me. If he could not obtain a decision from the competent Reich Security Headquarters, a decision had to be taken locally in view of the critical character of the whole situation. And this concluded the conversation.

Immediately after the conclusion of the telephone conversation, I

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made out a report on the substance of the conversation as prescribed for every telephone conversation held by the Telephone stand-by service and transmitted it according to regulations.

It was my duty to transmit this report at once to the Reichsleiter's office one storey higher. There was a permanent order that this office must transmit such matter personally to the chief of the Party Chancery (Bormann) within 5 minutes. The proper observance of this order was controlled by the notification on the report of the hours of reception and transmission.

Whether Reichsleiter BORMANN himself effected anything else in this matter, I do not know. Had he however not been in agreement with the information given by me, he would have told me so.

Signed Heinrich WALKENHORST

Signature

Sworn by me at Nuernberg

on 2 July 1946

Sworn and subscribed to me this 2 day of July 1946

s/ Jack Clohnlis, 1st Lt.Inf.

O - 1330498

I, Emma W.SCHWABENLAND being fully conversant with the English and German languages certify that I acted as interpreter in the swearing of this affidavit.

s/ Emma W.SCHWABENLAND